

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BARBARA J. LOVELL,

Plaintiff,

-against-

MS. NIESA ROBERTS; MS. DARLENE A.  
MARTINEZ; MS. TAMARA MARTINEZ,

Defendants.

24-CV-2873 (JGK)

ORDER OF SERVICE

JOHN G. KOELTL, United States District Judge:

Plaintiff, who is proceeding *pro se*, brings this action under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12112-12117, and the Family Medical Leave Act, 29 U.S.C. §§ 2601-2654, alleging that her employer discriminated against her based on her disability. By order dated April 18, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the assistance of the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Niesa Roberts, Darlene A. Martinez, and Tamara Martinez through the U.S. Marshals Service, the Clerk of Court is instructed to fill

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<sup>1</sup>Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

#### CONCLUSION

The Clerk of Court is instructed to: (1) issue summonses for Defendants, complete the USM-285 forms with the address for Defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service; and (2) mail an information package to Plaintiff.

Plaintiff consents to electronic service. (ECF 3.)

SO ORDERED.

Dated:

New York, New York

4/22/24



JOHN G. KOELTL  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Niesa Roberts, Chief Officer  
Bronx County District Attorney's Office  
198 East 161<sup>st</sup> Street, 10<sup>th</sup> Floor  
Bronx, New York 10451
2. Darlene A. Martinez, Deputy Chief Officer  
Bronx County District Attorney's Office  
198 East 161<sup>st</sup> Street, 10<sup>th</sup> Floor  
Bronx, New York 10451
3. Tamara Martinez, Senior Employment Officer  
Bronx County District Attorney's Office  
198 East 161<sup>st</sup> Street, 10<sup>th</sup> Floor  
Bronx, New York 10451